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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TAMAR HARRINGTON
MCGEILBERRY,

Petitioner,

v.

I. Z. JENKINS,

Respondent.

Case No. [18-cv-01120-WHO](#) (PR)

ORDER OF DISMISSAL

INTRODUCTION

Petitioner Tamar McGeilberry seeks habeas relief over the loss of good conduct credits. However, the good conduct credits McGeilberry lost have been restored, mooted her habeas action and divesting this Court of jurisdiction. Accordingly, the petition for habeas relief is DISMISSED.

BACKGROUND

McGeilberry, a federal prisoner, was convicted in Arkansas and is housed in Dublin, California. (Pet., Dkt. No. 1 at 1.) In 2017, her jailors found her guilty of engaging in a sexual act with a fellow prisoner and imposed as punishment a loss of 14 days of good conduct credits. (*Id.* at 2.) McGeilberry did not file an administrative appeal, but her fellow prisoner did. (Response to OSC, Dkt. No. 14 at 3.) On appeal, the credits

1 were restored. (*Id.* at 5.)

2 McGeilberry petitions this Court for habeas relief. Respondent asks the Court to
3 dismiss the petition as moot. (Dkt. No. 14.) McGeilberry has not filed any response to
4 respondent's filing, even though she was given adequate time to do so.

5 **DISCUSSION**

6 Because the credits were restored, McGeilberry has received the relief she sought
7 by filing her habeas petition. Because the question of relief is moot, this Court lacks
8 jurisdiction over the petition, which therefore must be dismissed. *Spencer v. Kemna*, 523
9 U.S. 1, 18 (1998) ("mootness, however it may have come about, simply deprives us of our
10 power to act; there is nothing for us to remedy"); *Nettles v. Grounds*, 830 F.3d 922, 935
11 (9th Cir. 2016) (en banc) (if relief will not "necessarily lead to immediate or speedier
12 release," no federal habeas claim lies).

13 **CONCLUSION**

14 This federal habeas petition is DISMISSED for want of jurisdiction.

15 The Clerk shall enter judgment in favor of respondent, and close the file.

16 **IT IS SO ORDERED.**

17 **Dated:** November 14, 2018

18 
19 WILLIAM H. ORRICK
United States District Judge